

REMARKS

Claims 1-34 are pending in the present application, with claims 1, 11, 21, and 27 amended without the introduction of new matter (see, e.g., Applicants' published patent application, FIGs. 5-14 and discussion thereof).

Referring now to the present Office Action, claims 1-3, 6, 9-14, and 21-34 were rejected under 35 U.S.C. §103 based on *Hartrick et al.* (U.S. Patent No. 5,532,920) and *Perritt* ("Knowbots, Permissions Headers and Contract Law"); and claims 4, 5, 7, 8, and 15-20 were rejected under 35 U.S.C. §103 based on *Hartrick et al.* and *Perritt* in view of *Sprague et al.* (U.S. Patent No. 5,247,575).

The rejection of claims 1-34 is respectfully overcome because *Hartrick et al.*, *Perritt*, and *Sprague et al.*, taken alone or in combination, fail to disclose, teach or suggest all of the features recited in the amended claims. For example, independent claims 1, 11, 21, and 27, as amended, recite that:

"said digital work is described by a description structure comprising a plurality of description blocks,
each of said description blocks comprises address information for at least one part of said digital work,
each of said description blocks further comprises zero or more pointers to other description blocks, and
each of said description blocks further comprises a usage rights part for associating one or more of said associated usage rights."

By contrast, *Hartrick et al.* discloses a data processing system and method to enforce payment of royalties when copying softcopy books, wherein a publisher of a softcopy book includes royalty payment information either within the structured document text of the book or in a royalty payment information file which accompanies the book, and to read the book from the storage disk, the user applies a special softcopy book reading program. *Hartrick et al.* further discloses employing a structured document having tags for indicating royalty payment information for collecting fees for copying the softcopy books (Figs. 3A-3C, and cols. 7-8). However, *Hartrick et al.* fails to disclose, teach or suggest the claimed "description structure," as recited in independent claims 1, 11, 21, and 27, as amended.

Perritt discloses use of " ... service identifiers, header descriptors, and other forms of labeling and tagging appropriate to allow copyright owners to give different levels of permission, including outright transfer of the copyright interest, use permission, copying permission, distribution permission, display permission, and permission to prepare

derivative works [and] ... how payment authorization procedures should work in conjunction with a permissions header". However, *Perritt* fails to disclose, teach or suggest the claimed "description structure," as recited in independent claims 1, 11, 21, and 27, as amended.

Sprague et al. discloses an information distribution system that provides information to a user, when the information corresponds to criteria individually selected by the user, and then charges the user only for the selected information thus provided, wherein encrypted information packages (IP's) are provided at the user site, via high and/or low density storage media and/or by broadcast transmission. However, *Sprague et al.* fails to disclose, teach or suggest the claimed "description structure," as recited in independent claims 1, 11, 21, and 27, as amended.

Employing the claimed "description structure," as recited in independent claims 1, 11, 21, and 27, as amended, provides the following advantages, as disclosed in Applicants' published patent application, for example, as follows:

[0051] Usage rights are associated with digital works. Thus, it is important to understand the structure of a digital work. The structure of a digital work, in particular composite digital works, may be naturally organized into an acyclic structure such as a hierarchy. For example, a magazine has various articles and photographs which may have been created and are owned by different persons. Each of the articles and photographs may represent a node in a hierarchical structure. Consequently, controls, i.e. usage rights, may be placed on each node by the creator. By enabling control and fee billing to be associated with each node, a creator of a work can be assured that the rights and fees are not circumvented.

By contrast, *Hartrick et al.*, *Perritt*, and *Sprague et al.*, taken alone or in combination, fail to disclose, teach or suggest the noted features recited in independent claims 1, 11, 21, and 27, nor the advantages thereof.

Dependent claims 2-10, 12-26, and 28-34 are allowable over *Hartrick et al.*, *Perritt*, and *Sprague et al.*, taken alone or in combination, on their on merits and for at least the reasons as argued above with respect to independent claims 1, 11, 21, and 27.

The present amendment is submitted in accordance with the provisions of 37 C.F.R. §1.116, which after Final Rejection permits entry of amendments placing the claims in better form for consideration on appeal. As the present amendment is believed to overcome outstanding rejections under 35 U.S.C. § 103, the present amendment places the application in better form for consideration on appeal. It is therefore respectfully

requested that 37 C.F.R. §1.116 be liberally construed, and that the present amendment be entered.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. If, however, the Examiner deems that any issue remains after considering this response, the Examiner is invited to contact the undersigned attorney to expedite the prosecution and engage in a joint effort to work out a mutually satisfactory solution.

Respectfully submitted,
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